S.B. CIVIL WRIT PETITION NO. 5818/2003.
(ASHOK KUMAR VS. STATE & ORS.)

DATE OF ORDER : 16.01.2007.

HON'BLE MR. GOVIND MATHUR, J.

Mr. Bharat Devasi for the petitioner/s.
Mr. Shyam Ladrecha, AGA, for the respondent/s.

The Director, Secondary Education (Rajasthan) under a notification dated 28.07.03 invited applications from eligible desirous candidates to be considered for appointment as Physical Training Instructor, Grade III in various districts of the State of Rajasthan. In pursuant to the notification dated 28.07.03, the petitioner submitted an application in prescribed proforma for consideration of his candidature for the districts of Jaipur, Sikar and Bikaner. The candidature of the petitioner was considered, but the appointment was not accorded to him.

The grievance of the petitioner is that the respondents while considering his candidature has not accorded bonus marks to him on the count that has acquired Bachelor's Degree in Physical Education from an institution situated outside the State of Rajasthan.

In reply to the writ petition, the respondents stated that the petitioner is not entitled for appointment as Physical Training Instructor on the count that he is having a qualification

of Senior Secondary (Vocational) and also on the count that he is not entitled for any bonus marks being having Bachelor's Degree in Physical Education from an institution situated out side the State of Rajasthan. Reliance is placed on Clause 2 of the circular dated 10th March, 2000 i.e. placed on record as Annexure 6.

Heard counsel for the parties.

The petitioner is certainly having Senior Secondary (Vocational) School Certificate, but he has already completed the Bridge Course in the year 1989 and therefore, it cannot be said that he is not eligible to be considered for appointment as Physical Training Instructor Grade III. The issue with regard to grant of bonus marks to the candidates having Bachelor's Degree/ Diploma in Physical Training situated outside the State of Rajasthan has already been decided by this Court in the case of Ashish Saxena vs. State of Rajasthan & ors. (D.B. Civil Writ Petition No.5207/2003).

In view of the law laid down by this Court in the case of Ashish Kumar, the respondents are required to give bonus marks to the petitioner despite the fact that he has obtained Bachelor's Degree from an institution situated outside the State of Rajasthan.

Accordingly, this petition for writ is allowed with a direction to the respondents to consider the candidature of the petitioner for the purpose of appointment on the post of Physical Training Instructor by awarding bonus marks as required and in the event after extending the benefits of bonus marks, the petitioner stands in merit, appointment be given to him as Physical Training Instructor Grade III.

No order to cost.

(GOVIND MATHUR)J.

Anil/